

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:)	
)	
REM Electric, Inc.)	Docket No. R-05-2016-0014
58-Acre vacant property north of:)	
2100 Tin Plate Road)	
Yorkville, Ohio 43971)	
)	
EPA ID#: OHD 082 964 313)	
)	
RESPONDENT.)	
_____)	

**ACKNOWLEDGMENT OF TERMINATION AND AGREEMENT FOR
RECORD PRESERVATION AND RESERVATION OF RIGHTS**

WHEREAS, on August 9, 2016, the U.S. Environmental Protection Agency Region 5 (EPA) and REM Electric Supply (REM) entered an Administrative Order on Consent (the AOC) under Section 3013 of the Solid Waste Disposal Act, commonly referred to as the Resource Conservation and Recovery Act of 1976 ("RCRA"), as amended by the Hazardous and Solid Waste Amendment of 1984, 42 U.S.C. § 6934, for monitoring, analysis and testing at the property comprising 58 acres at the former RG Steel Wheeling, LLC Yorkville facility at 2100 Tin Plate Place, Yorkville, Ohio (the Facility); and

WHEREAS, REM submitted a RCRA 3013 Work Plan (3013 Work Plan) for monitoring, analysis and testing at the Facility, which EPA approved on October 12, 2016; and

WHEREAS, on or about December 28, 2016, REM and its affiliate conveyed the Facility to Yorkville Intermodal Terminals, LLC after giving notice of the proposed conveyance to EPA; and

WHEREAS, Yorkville Intermodal Terminals has applied or will apply for entry into the Ohio Voluntary Action Program – Memorandum of Agreement Track (Ohio VAP-MOA Track) provided for at OAC Chapter 3745 - 300 and the Memorandum of Agreement for voluntary RCRA corrective action between EPA and the Ohio Environmental Protection Agency (Ohio EPA), and will, upon acceptance into the Ohio VAP – MOA Track, diligently undertake voluntary investigation and, as needed, corrective action under the Ohio Environmental Protection Agency's oversight and approval; and

WHEREAS, Yorkville Intermodal Terminals has agreed to complete the work REM identified in the RCRA 3013 Work Plan; and

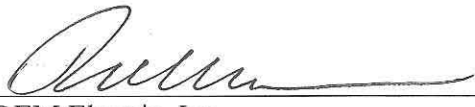
WHEREAS, Section XXVI of the AOC provides that the EPA and REM may stipulate to terminate the REM AOC, through an Acknowledgement of Termination and Agreement on Record Preservation and Reservation of Rights:

The EPA and REM hereby agree and stipulate as follows:


1. EPA agrees and acknowledges that upon Yorkville Intermodal Terminals' acceptance into the Ohio VAP-MOA Track and performance of voluntary action at the Facility, including the activities identified in the approved Work Plan, will obviate REM's performance of that work under the AOC;
2. REM agrees and acknowledges that its responsibility to maintain any records relating to the RCRA 3013 AOC remains in effect for six years following the date this Acknowledgment of Termination is executed by the Director, Land and Chemicals Division, EPA Region 5;
3. EPA is not precluded from taking enforcement action against the owner or operator of the Facility pursuant to RCRA or other available legal authorities, should EPA determine that such actions are warranted;
4. The foregoing is conditioned on Yorkville Intermodal Terminals' timely application to the Ohio VAP – MOA Track, Ohio EPA's acceptance of that application, and Yorkville Intermodal Terminals' diligent performance of the investigative work described in the 3013 Work Plan and such other work as Ohio EPA may require, including remediation.
5. Nothing in the foregoing constitutes a covenant by the United States not to sue and the parties reserve their respective rights and authorities and, further, REM agrees and acknowledges its obligations to comply with applicable local, State or federal laws and regulations at any other facilities it owns or operates.

IT IS SO AGREED AND ACKNOWLEDGED:

DATE: 12/28/16

BY: 
REM Electric, Inc.
By its: President (Title)

DATE: 1/12/2017

BY: 
Margaret M. Guerriero, Director
Land and Chemicals Division
U.S. Environmental Protection Agency
Region 5